

MEMORANDUM

Agenda Item No. 7(F)(1)(D)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** February 3, 2004

FROM: George M. Broussard
County Manager

SUBJECT: Second Amendment to Lease at
6121 S.W. 68 Street, South Miami
with City of South Miami
Property # 6901-00-00

The attached second amendment to lease agreement has been prepared by the General Services Administration at the request of Community Action Agency and is recommended for approval.

PROPERTY: 6121 S.W. 68 Street, South Miami.

OWNER: City of South Miami.

PURPOSE OF AMENDMENT: The current lease allows for annual increases according to the operating expenses in the facility. In September 10, 2003, the County exercised its renewal option at \$22,000.00 per year. This amendment will:

- a) Fix the annual rental rate at \$22,000.00, which is equal to \$4.03 per square foot on an annual basis.
- b) Require the County, as Tenant, to be responsible for electricity, water and sewer, exterminating, emergency lighting and cleaning supplies. The Landlord will provide the manpower for janitorial and custodial services, and will maintain the landscaping at the site.
- c) Although the amendment approved by the City indicates the commencement effective October 1, 2003 for the yearly rent, this amendment will be effective upon the approval by the Board of County Commissioners.

JUSTIFICATION: The Community Action Agency utilizes this property for its Community Service Center and its Head Start Program serving the families of the South Miami area. The current rent is \$22,000.00 annually, which includes all operating expenses. The City of South Miami operating costs have increased to \$41,000.00 annually. County staff has been advised that the City cannot continue to absorb Tenant maintenance costs in their operating budget. For this reason, the City has requested that the County assume the recurring annual expense for utilities, exterminating, emergency lighting and cleaning supplies. The City will continue to provide the manpower for the janitorial, custodial services, and maintenance of the grounds and building.

FINANCIAL IMPACT:

Annual rent shall be \$22,000.00, which is equal to \$4.03 per square foot on an annual basis. The Tenant is responsible for all charges for electricity, water and sewer, cleaning supplies, which is estimated at \$12,000.00 annually.

EFFECTIVE DATES
OF AMENDMENT:

The term of this Second Amendment to Lease Agreement shall commence upon approval by the Board of County Commissioners, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override of this Board, unless the term shall be otherwise extended or renewed by Tenant pursuant to the Lease, as amended, whereby the Second Amendment to Lease Agreement shall be coterminous therewith.

CURRENT LEASE:

The current lease agreement was approved on March 15, 1983 by Resolution R-305-83. The lease commenced on January 1, 1983 for one-year with successive one-year renewal option periods. The lease was amended on February 7, 1984, by Resolution No. R-119-84.

COMMENTS:

Attached for your information is a copy of the previously approved resolutions and memoranda with data concerning the lease, as well as a Resolution from the City of South Miami approving the amendment.


Assistant County Manager

RESOLUTION NO. R-119-84

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE AMENDMENT TO THE LEASE AGREEMENT AT 6121 S.W. 68 STREET, SOUTH MIAMI, WITH THE CITY OF SOUTH MIAMI FOR PREMISES TO BE USED BY THE COMMUNITY ACTION AGENCY FOR ITS COMMUNITY SERVICE CENTER AND HEAD START PROGRAM

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board approves the Retroactive Amendment to the Lease Agreement between Dade County and the City of South Miami for premises to be used by the Community Action Agency for its Community Service Center and its Head Start Program in substantially the form attached hereto and made a part hereof; and authorizes the County Manager to execute same for and on behalf of Dade County.

The foregoing Resolution was offered by Commissioner **Beverly Phillips**, who moved its adoption. The motion was seconded by Commissioner **Barbara Carey**, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James F. Redford, Jr.	Absent
Harvey Ruvin	Absent
Barry D. Schreiber	Absent
Ruth Shack	Aye
Jorge E. Valdes	Aye
Stephen P. Clark	Aye

The Mayor thereupon declared the Resolution duly passed and adopted this 7th day of February, 1984.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

RAYMOND HILL

Approved by County Attorney Caputo
form and legal sufficiency.

By: _____
Deputy Clerk

MEMORANDUM

103.01-14

Agenda Item No. 5 (e) (7)

TO Honorable Mayor and Members
Board of County Commissioners

DATE

February 7, 1984

SUBJECT

Retroactive Amendment
to Lease Agreement with
City of South Miami for
Community Service Center
and Head Start Program
Property #4025-00-00

FROM Mark Stierheim
County Manager

The following Retroactive Amendment to Lease has been reviewed by
General Services Administration and is recommended for approval:

USING AGENCY: Community Action Agency

USE: Community Service Center and Head Start Program

PROPERTY: Approximately 4,555 square feet located
at 6125 South West 68 Street, South
Miami.

OWNER: THE CITY OF SOUTH MIAMI

AMENDMENT: Retroactive Amendment to increase the
total cost of custodial and utility
services from \$15,662.00 which is equal
to \$3.44 a square foot on an annual
basis, to \$17,475.00 per year which is
equal to \$3.84 a square foot on an
annual basis, said payment shall addi-
tionally include exterminating services.
The said Lease remains in full force
and effect during the terms and con-
ditions specified therein.

EFFECTIVE DATES: Commenced January 1, 1984 and terminates
December 31, 1984.

CANCELLATION PROVISION: Either party, the Tenant through the
County Manager or his designee, may
cancel with thirty (30) days written
notice to the other party.

FUNDING SOURCE: General Funds

COMMENTS: This Amendment to Lease is retroactive
due to extended negotiations with the
City of South Miami. The City of South
Miami did not place the Amendment to
Lease Agreement before their Council
until January 3, 1984.

RESOLUTION NO. R-305-83

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE LEASE AGREEMENT AT 6125 S.W. 68 STREET, SOUTH MIAMI, WITH THE CITY OF SOUTH MIAMI, FOR PREMISES TO BE USED BY THE COMMUNITY ACTION AGENCY FOR ITS COMMUNITY SERVICE CENTER AND HEADSTART PROGRAM, AND AUTHORIZING COUNTY MANAGER TO EXERCISE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board approves the Retroactive Lease Agreement between Dade County and the City of South Miami for premises to be used by the Community Action Agency for its Community Service Center and its Headstart Program in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Dade County; and to exercise the renewal and cancellation provisions contained therein.

The foregoing Resolution was offered by Commissioner

Clara Oesterle, who moved its adoption. The motion was seconded by Commissioner Barbara M. Carey, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James F. Redford, Jr.	Aye
Harvey Ruvin	Absent
Barry D. Schreiber	Aye
Ruth Shack	Aye
Jorge E. Valdes	Absent
Stephen P. Clark	Absent

The Mayor thereupon declared the Resolution duly passed and adopted this 15th day of March, 1983.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

Approved by County Attorney
form and legal sufficiency.

By: RAYMOND REED
Deputy Clerk

103.01-14

TO Honorable Mayor and Members
Board of County Commissioners

DATE

March 15, 1983

SUBJECT

Retroactive Lease
Agreement with the
City of South Miami
for the Community
Action Agency.
Property #4025-00-00

FROM M.R. Stein
County Manager

RECOMMENDATION:

The following Retroactive Lease has been reviewed by General Services Administration and is recommended for approval:

USING AGENCY:

Community Action Agency

USE:

Community Service Center and Headstart Program.

PROPERTY:

A Total of 4,555 square feet located
at 6125 Southwest 68 Street, South
Miami.

OWNER:

THE CITY OF SOUTH MIAMI

TERMS:

A total aggregate space of 4,555
square feet; 1,750 square feet for
the Headstart Program and 2,805 square
feet for the Community Service Center,
at a total cost of \$15,662, paid at
the commencement of this Lease, which
is equal to \$3.44 a square foot on an
annual basis. This is for reimburse-
ment for custodial and utility costs
incurred by the Landlord.

EFFECTIVE DATES:

Commenced January 1, 1983 and terminat-
ing December 31, 1983.

RENEWAL OPTION:

Successive one year renewals through
the County Manager with sixty (60)
days written notice to the Landlord.
Terms to be negotiated at time of
renewal.

CANCELLATION PROVISION:

Either party, the Tenant through the
County Manager, may cancel with thirty
(30) days written notice to the other
party.

FORMER LEASE:

Two separate Leases- The Community
Service Center Lease authorized by
Resolution R-608-77 adopted June 10,
1977 and amended by Resolution R-294-80
adopted March 4, 1980. The Headstart
Program Lease was authorized by
Resolution R-1081-82 adopted July 20,
1982.

FUNDING SOURCE:

General Funds

COMMENT:

This lease is retroactive due to extended
negotiations with the City of South Miami.

The County Attorney's Office advises that
the wording of Article III with regard
to indemnification in the wording normally
not used in our leases, and the County can
be liable for third party negligence.

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MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: February 3, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(F)(1)(D)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(F)(1)(D)
2-3-04

RESOLUTION NO.

RESOLUTION AUTHORIZING THE EXECUTION OF A
SECOND AMENDMENT TO LEASE AGREEMENT AT 6121
S.W. 68 STREET, SOUTH MIAMI WITH CITY OF SOUTH
MIAMI; AND AUTHORIZING THE COUNTY MANAGER TO
EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED
THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the
accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI DADE COUNTY, FLORIDA, that this Board hereby
approves the Second Amendment to Lease Agreement between Miami-Dade County and City
of South Miami, in substantially the form attached hereto and made a part hereof; authorizes
the County Manager to execute it for and on behalf of Miami-Dade County; and authorizes
the County Manager to exercise any all other rights conferred therein.

The foregoing Resolution was offered by Commissioner _____, who
moved its adoption. The motion was seconded by Commissioner _____ and upon
being put to a vote, the vote was as follows:

Barbara Carey-Shuler, Ed.D., Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro
Betty T. Ferguson
Joe A. Martinez
Dennis C. Moss
Natacha Seijas
Senator Javier D. Souto

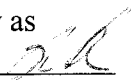
Jose "Pepe" Diaz
Sally A. Heyman
Jimmy L. Morales
Dorin D. Rolle
Rebeca Sosa

✓

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. 

Richard B. Rosenthal

By: _____
Deputy Clerk

SECOND AMENDMENT TO LEASE BETWEEN CITY OF SOUTH MIAMI
AND MIAMI-DADE COUNTY FOR 6121 SW 68TH STREET

This agreement made this ____ day of October, 2003, by and between the City of South Miami, "Landlord" and Miami-Dade County, a political subdivision of the State of Florida, "Tenant."

WITNESSTH

WHEREAS, by Resolution No. R-179-84, adopted by the Board of County Commissioners on February 2, 1984, the board authorized an amendment to the lease executed on March 15, 1985, and authorized pursuant to Resolution No. R-305-83 between the above named parties for that certain property located at 6121 SW 68th Street, South Miami, Florida and consisting of approximately 5,460 square feet of air-conditioned space; and

WHEREAS, both landlord and tenant are desirous of amending said lease to increase the rent of \$22,000.00 annually. The tenant shall maintain and purchase the electricity, water and sewer, exterminating, emergency back up lighting and cleaning supplies to be used by the tenant. The landlord will provide the manpower for the janitorial and custodial services necessary to maintain the premises, with the tenant supplying all the necessary cleaning supplies. The landlord will continue to maintain landscaping of the premises; and

NOW THEREFORE, in consideration of the restrictions and covenants herein contained, it is agreed that the lease is amended as follows:

1. Effective October 1, 2003, the yearly rent will increase to \$22,000.00.
2. The tenant shall maintain and purchase the electricity, water and sewer, exterminating, emergency back up lighting and cleaning supplies to be used by the tenant. The landlord will provide the manpower for the janitorial and custodial services necessary to maintain the premises, with the tenant supplying all the necessary cleaning supplies. The landlord will continue to maintain landscaping of the property.

In all other respects the lease entered into on February 2, 1984 and as modified on March 15, 1985 shall remain in full force and effect in accordance with the terms and conditions specified therein.

IN WITNESS WHEREOF, the landlord and tenant have caused this second lease amendment to be executed by their respective and duly authorized officers the day and year first above written.

(Official Seal)

City of South Miami,
a Florida municipal corporation

By: _____
City Clerk

By: Maria V. Davis
Maria V. Davis
City Manager (Landlord)

(Official Seal)

ATTEST:

Miami-Dade County, Florida by Its
Board of County Commissioners

Harvey Ruvin, Clerk

By: _____
Deputy Clerk

By: _____
George M. Burgess
County Manager (Tenant)

RESOLUTION No.: 169-03-11719

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO SECOND AMENDMENT TO LEASE AGREEMENT WITH MIAMI-DADE COUNTY FOR THE USE OF CITY OF SOUTH MIAMI BUILDING LOCATED AT 6121 SW 68TH STREET; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of South Miami, Florida, wishes to lease the City's building to Miami-Dade County Community Action Agency for Head Start program; and

WHEREAS, by Resolution No. R-179-84, adopted by the Board of County Commissioners on February 2, 1984, the board authorized an amendment to the lease executed on March 15, 1985, and authorized pursuant to Resolution No. R-305-83 between the above named parties for that certain property located at 6121 SW 68th Street, South Miami, Florida and consisting of approximately 5,460 square feet of air-conditioned space; and

WHEREAS, both landlord and tenant are desirous of amending said lease to increase the rent of \$22,000.00 annually. The tenant shall maintain and purchase the electricity, water and sewer, exterminating, emergency back up lighting and cleaning supplies to be used by the tenant. The landlord will provide the manpower for the janitorial and custodial services necessary to maintain the premises, with the tenant supplying all the necessary cleaning supplies. The landlord will continue to maintain landscaping of the premises; and

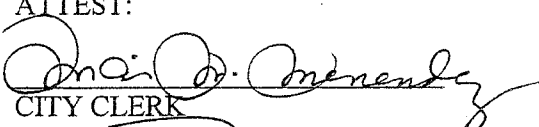
NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, that:

Section 1: The City Manager is authorized to enter into second amendment to lease agreement with Miami-Dade County for the use of City property located at 6121 SW 68th Street.

Section 2: That the attached second amendment to the lease agreement between Miami-Dade County and City, be made a part of the resolution.

PASSED AND ADOPTED this 7th day of October, 2003.

ATTEST:


CITY CLERK

READ AND APPROVED AS TO FORM:


CITY ATTORNEY

APPROVED:


MAYOR

Commission Vote: 4-0

Mayor Feliu: Yea
Vice Mayor Russell: out of room
Commissioner Bethel: Yea
Commissioner Wiscombe: Yea
Commissioner McCrea: Yea